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11 Attorneys for Defendant
12 SYMANTEC CORPORATION

13 *[Additional Counsel Appear*
14 *on Signature Page]*

15 **UNITED STATES DISTRICT COURT**

16 **NORTHERN DISTRICT OF CALIFORNIA — SAN FRANCISCO DIVISION**

17 DIANE MAROLDA, on behalf of herself and all
18 others similarly situated,

19 Plaintiff,

20 v.

21 SYMANTEC CORPORATION,

22 Defendant.

Case No. 3:08-CV-05701-MHP

**STIPULATION AND ~~PROPOSED~~
ORDER TO MODIFY SCHEDULING
ORDER**

Courtroom 15, 18th Floor

Honorable Judge Marilyn Hall Patel

WHEREAS, on August 13, 2009, the Court signed an Order scheduling Plaintiff Diane Marolda ("Plaintiff") to file her Second Amended Complaint on or before September 25, 2009, and scheduling Defendant Symantec Corporation's ("Symantec" or "Defendant") response to the Second Amended Complaint to be due on or before October 30, 2009.

WHEREAS, on September 25, 2009, Plaintiff filed her Second Amended Complaint.

WHEREAS, on October 15, 2009, counsel for Plaintiff and counsel for Defendant met and conferred and agreed that the date for Defendant's response to the Second Amended Complaint would be extended by two-weeks, to be due on November 13, 2009.

WHEREAS, on October 15, 2009, counsel for Plaintiff and counsel for Defendant agreed that the Defendant's November 13, 2009 response to the Second Amended Complaint would not preclude a motion by Plaintiff to challenge Defendant's ability to file a motion to dismiss.

WHEREAS, on October 15, 2009, counsel for Plaintiff and counsel for Defendant agreed that this stipulation would be without prejudice to Defendant to oppose any motion by Plaintiff challenging the Defendant's ability to file a motion to dismiss.

WHEREAS, in light of the foregoing, the parties have conferred and agreed, subject to the Court's approval, to modify the scheduling order in this matter set forth in the August 13, 2009 Order signed by Judge Patel to extend Symantec's time to file their motion to dismiss Plaintiff's Second Amended Complaint until November 13, 2009 (a two-week extension); now therefore,

PURSUANT TO CIVIL LOCAL RULE 6-2(a), IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel, as follows:

1. Symantec shall have up to and including November 13, 2009, to move to dismiss Marolda's Second Amended Complaint.
2. Plaintiff shall have up to and including December 14, 2009, to oppose Symantec's motion to dismiss.

1 3. Symantec shall have up to and including January 11, 2010, to reply to
2 Plaintiff's opposition to Symantec's motion to dismiss.

3 4. The hearing regarding Symantec's motion to dismiss previously scheduled for
4 January 11, 2010 shall now be scheduled for February 1, 2010, pursuant to Local Rule 7-2(a)
5 requiring all hearings to be scheduled not less than thirty-five days after service of a motion, or
6 such other time as the Court may set.

7 IT IS SO STIPULATED.
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1 Dated: October 15, 2009

WEIL, GOTSHAL & MANGES LLP

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3 By: /s/ Richard A. Rothman
4 Richard A. Rothman
5 Bruce A. Colbath
6 Sarah E. Barrows
7 Attorneys for Defendant
8 SYMANTEC CORPORATION

9 Dated: October 15, 2009

10 By: /s/
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23 -and-

24 By: /s/ Thomas M. Mullaney
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-and-

29 By: /s/ Larry Drury
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35 Attorneys for Plaintiff
36 DIANE MAROLDA, on behalf of
37 herself and all others similarly
38 situated

1 Filer's Attestation: Pursuant to General Order No. 45, Section X(B) regarding signatures, I attest
 2 under penalty of perjury that concurrence in the filing of the document has been obtained from
 3 Lee Weiss, Michael Bowse, Thomas M. Mullaney, and Larry Drury.

4 **SUPPORTING DECLARATION OF SARAH E. BARROWS**

5 Pursuant to Civil L.R. 6-2, I, Sarah E. Barrows, declare as follows:

6 1. I am an attorney admitted to practice in the State of California and in the U.S.
 7 District Court for the Northern District of California, and Counsel with the firm of Weil, Gotshal
 8 & Manges LLP, attorneys of record for defendant Symantec Corporation. The matters referred to
 9 in this declaration are based on my personal knowledge, unless indicated that they are based upon
 10 information and belief, and if called as a witness I could, and would, testify competently to those
 11 matters.

12 2. The factual representations made in the above Stipulation are true. The
 13 parties have met and conferred and agree that the schedule should be extended in the matter set
 14 forth above and in the accompanying [Proposed] Order.

15 3. I am informed and believe that pursuant to stipulation, the parties agreed to
 16 extend the time for Symantec to answer or otherwise respond to Plaintiff's Second Amended
 17 Complaint filed on September 25, 2009.

18 4. As set forth in the above Stipulation, this Stipulation will modify the schedule
 19 in this case in the following manner:

- 20 • Symantec will have up to and including November 13, 2009, to file its
- 21 motion to dismiss Plaintiff's Second Amended Complaint.
- 22 • Plaintiff Diane Marolda shall have up to and including December 14,
- 23 2009, to oppose Symantec's motion to dismiss.
- 24 • Symantec shall have up to and including January 11, 2010, to reply to
- 25 Plaintiff's opposition.
- 26 • The hearing on Symantec's motion to dismiss shall be Monday
- 27 February 1, 2010, at 2:00 p.m., or such other time as the Court may set.
- 28

29 I declare under penalty of perjury under the laws of the United States of America
 30 that the foregoing is true and correct. Executed this 15th day of October 2009 at Redwood
 31 Shores, California.

32 /s/ Sarah E. Barrows
 33 Sarah E. Barrows

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4 UNITED STATES DISTRICT COURT
5 NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION
6

7 DIANE MAROLDA, on behalf of herself and all
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Case No. 3:08-CV-05701-MHP


**~~PROPOSED~~ ORDER TO MODIFY
SCHEDULING ORDER**

Courtroom 15, 18th Floor

Honorable Judge Marilyn Hall Patel

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14 PURSUANT TO THE STIPULATION OF THE PARTIES, IT IS ORDERED that
15 Symantec shall have up to and including November 13, 2009, to file its motion to dismiss
16 Plaintiff's Second Amended Complaint filed by Plaintiff Diane Marolda, on behalf of herself and
17 all others similarly situated; Plaintiff Diane Marolda shall have up to and including December 14,
18 2009, to oppose Symantec's motion to dismiss; Symantec shall have up to and including January
19 11, 2010, to reply; the hearing on Symantec's motion to dismiss shall be Monday, February 1,
20 2010, at 2:00 p.m., or such other time as the Court may set.

21 Dated: October 23, 2009

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23 The Honorable Marilyn Hall Patel
24 United States District Court Judge
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